

Posted: April 9, 2003  
Time Posted: \_\_\_\_\_  
Posted By: Evelyn Baker  
Witnessed By: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
APRIL 8, 2003**

The Jackson County Board of Commissioners met in a Regular Session on Tuesday, April 8, 2003, at 6:00 p.m. in the Boardroom, Justice & Administration Building, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Stacy Buchanan, Chairman  
Roberta Crawford, Vice Chairman  
Joe Cowan, Commissioner  
Eddie Madden, Commissioner  
Brian McMahan, Commissioner  
Kenneth L. Westmoreland, County Manager  
W. Paul Holt, Jr., County Attorney  
Evelyn B. Baker, Clerk to the Board

Chairman Buchanan called the meeting to order.

**AGENDA:** Chairman Buchanan requested that item #12 (*Acquisition of Property, New DSS Facility*) be changed to item #26, that action be taken on item #19, (*appointment of Chairman of Smart Growth Task Force*), item #21 (*Proclamation Honoring WCU Faculty*), and item #23 (*Project Ordinance for Second Floor Administration Expansion*). Commissioner Crawford moved to approve the Agenda as amended. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**MINUTES:** Commissioner Cowan moved to approve the Minutes of the Regular Meeting of March 18, 2003, Work Session of March 20, 2003, Public Hearing of March 25, 2003, and Work Session of March 27, 2003. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

**INFORMAL COMMENTS BY THE PUBLIC:** Avram Friedman requested the Board to adopt a Resolution to the N.C. General Assembly to clarify the N.C. Ridge Law to allow for utility scale wind farms in western North Carolina. He furnished statistical data compiled by the *Wind Power Working Group* which states that “wind power is needed, creates jobs, reduces air pollution, is cost effective, supports our economy, can help meet energy needs, develops rural economics, wind power is sustainable, and reduces global warning”. The windmills would be placed on private property.

Irene Hooper, a member of the Historic Courthouse Use Committee, reported that the committee will be recommending that the facility to be used as a Heritage Museum

representing the entire county. She also reported that several citizens had contacted her asking that she contact the Commissioners and request that the library remain in Sylva.

### CONSENT AGENDA

(1) **FINANCE REPORT FOR FEBRUARY 2003:** The Finance Report for February 2003 was submitted for approval. Mr. Westmoreland reported that the county's financial picture looks favorable with revenues above normal and expenditures less than anticipated. Some of the highlights were:

Ad valorem tax collected	\$ 14,969,319.24
Motor vehicle tax collected	\$ 705,375.88
Prior year tax collected	\$ 414,358.40
Sales tax for 4 <sup>th</sup> Qtr 2002	\$ 1,692,593.71
Landfill disposal fees	\$ 970,648.02
Prior year landfill disposal fees	\$ 39,629.76

(2) **TAX COLLECTOR'S REPORT FOR FEBRUARY 2003:** The February 2003 Tax Collector's report was submitted for approval. Mr. Westmoreland reported that tax collections are on track with the exception of motor vehicles.

(3) **BUDGET AMENDMENTS:** Four budget amendments were submitted for approval:

(a) Health Dept for new funds for Bioterrorism, Health Carolinians and Ancillary	\$ 40,500.00
(b) Health Dept. to remove Community Health Link budget and add to contingency	15,000.00
(c) Reduce the estimated Governor's Crime Commission grant to actual for Sheriff's Dept.	12,000.00
(d) Additional funds for increase in workers compensation insurance	30,951.00

### ADMINISTRATIVE REPORTS

(4) **CHAIRMAN'S REPORT:** Chairman Buchanan reported he had received notification from the Dept. of Transportation that additional funds will be released for maintenance, modernization and public improvements. This Board has been requested to compile a list of priorities and submit it to DOT by May 2<sup>nd</sup>.

(5) **COMMISSIONERS' REPORT:** None

(6) **COUNTY MANAGER'S REPORT:** None

(7) **SMOKY MOUNTAIN MENTAL HEALTH LOCAL BUSINESS PLAN:** Tom McDevitt, Area Director, and Shelly Lackey, Community Relations Coordinator, reported on a proposed state mandated reform for a Local Business Plan. The 311-page Plan has become controversial among the private mental health care providers because of the misconception that the Carolina Access Program would be removed from the Dept. of Rural Health and would be administered by SMMH. Mr. McDevitt explained that private providers do not need to be concerned and he has scheduled additional meetings with them next week to resolve the misunderstanding. SMMH is continuing to meet with all stakeholder groups to insure that reform will not harm consumers and families in need of

services. After final submission of the Plan is made to the N.C. Division of Mental Health, with minor changes, Jackson County will be requested, along with six other western counties, to adopt a resolution approving the Plan. No action will be required on the Plan until May or June, 2003.

**(8) FIRE TRUCKS – TRANSFER OF TITLES:** Chairman Buchanan recommended that titles be executed transferring ownership of fire trucks to the respective fire departments. The Fire Depts. will be responsible for the insurance. By placing ownership of the trucks in the fire departments, they are better prepared as the need arises to trade, sell or lease/purchase vehicles without being required to appear before the Board and request permission.

**(9) APPROVE HVAC BID – JACKSON COUNTY RECREATION CENTER:** The Jackson County Recreation Center was originally designed without air conditioning in the gym and two restrooms because of the cost. Several problems have arisen because of the absence of air in those rooms. A bid to install HVAC at the Recreation Center was combined with bids for projects at three schools. The bid is \$45,900.00. Mr. Westmoreland stated funds for this improvement are still in capital project funds for recreational facilities thus no new funds are required. He recommended approving the bid.

**(10) TAX REDUCTION SPECIALISTS CONTRACT:** This is for a 3-year contract with Tax Reduction Specialists (TRS) to conduct a sales tax audit, request any refunds and/or credits for the county as a whole, and make recommendations for future tax savings. The cost for this service to TRS is 25% of refunds and/or credits that result from the TRS audit. If the county as a whole does not receive a tax refund/credit or tax reduction, there will be no fee for this service. Thirty other counties are using this service and none have been disappointed.

**(11) HIGH HAMPTON GOLF CLUB, INC.:** High Hampton Golf Club, Inc. requested permission to exhibit fireworks on July 4, 2003. This is an annual request.

**(12) SOCIAL SERVICES FACILITY PROPERTY ACQUISITION:** Moved to item#26.

**(13) HIGHLANDS FIRE DISTRICT:** The Highlands Fire Department has requested \$12,940.97 for fire protection for FY2003-04, or in the alternative, that a fire district be created for the Wildcat Ridge, Cullasaja Club, and Highlands Falls Country Club properties located in Jackson County that Highlands Fire protects. The fire tax would be based on the Macon County rate. Funding for this service will be determined during the budget process. All counties have a mutual aid agreement.

**(14) CONSULTANT – SCOPE OF SERVICES:** Gerald Green, AICP, Planning and Development Consultant, presented a proposed scope of work for assisting the Smart Growth Task Force. The Smart Growth Task Force will review the scope of work with Mr. Green during its meeting on April 10<sup>th</sup> and the Chairman will report to the Board on April 15<sup>th</sup>.

**(15) METROSTAT TECHNOLOGIES, INC. CONTRACT FOR WEB HOSTING AND INTERNET SERVICES:** Metrostat submitted a contract for web hosting and internet services. Metrostat has been working with the county on a “handshake” agreement basis for the past six months. The web site has been averaging 18,000 hits per month. Eventually we will be adding building permit applications as well as septic and well permits. As the county moves forward with putting additional county information on the web, this will be an invaluable service to the public. Funds were allocated several years ago for technical hardware. Mr. Westmoreland requested that those funds be appropriated to pay for this contract.

**(16) APPOINTMENT TO SOLID WASTE BOARD:** Tom Vokes, Chairman Buchanan’s appointee, has moved to South Carolina. Chairman Buchanan recommended that Greg Scott be appointed to fill the vacancy.

**(17) APPOINTMENT OF REPRESENTATIVE TO THE RURAL TRANSPORTATION ADVISORY COMMITTEE:** Commissioner McMahan volunteered to serve on this committee.

**(18) APPOINTMENTS OF CHAIRMAN AND VICE CHAIRMAN TO BOARD OF EQUALIZATION AND REVIEW:** Arlie Moss was appointed as Chairman and Richard Wilson as Vice Chairman of the Board of Equalization and Review. Due to health reasons, Mr. Moss cannot serve as Chairman, but would be willing to serve as Vice Chairman.

**(19) APPOINTMENT OF CHAIRMAN OF SMART GROWTH TASK FORCE:** Commissioner Crawford moved to appoint Mark Jamison as Chairman of the Smart Growth Task Force. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(20) BANKING RESOLUTION TO APPROVE SEPARATE BANKING ACCOUNT FOR SHERIFF’S DEPT., NARCOTICS FUND:** Sheriff Ashe submitted a banking resolution for approval. He would have better control of narcotic funds if a special account were established.

**(21) PROCLAMATION HONORING WCU FACULTY:** A Proclamation was submitted requesting that April 23, 2003 be declared WCU Faculty Appreciation Day. Commissioner Madden moved to approve the Proclamation. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

**(22) DRUG AND ALCOHOL TESTING POLICY FOR JACKSON**

**COUNTY TRANSIT**: Chuck Norris stated that the Federal Transit Authority requires that transit systems conduct pre-employment, random, post-accident, and reasonable suspicion testing. He recommended that the Board approve the policy.

**(23) SECOND FLOOR ADMINISTRATION EXPANSION PROJECT**

**ORDINANCE**: A project ordinance was submitted for the approval of \$1,275,000 for construction of new administration offices on the second floor of the new jail. This figure includes costs for construction, architect fees, furniture, elevator and stairwell. Mr. Westmoreland stated that these funds would be made a part of the debt package that will be included in the upcoming budget. Commissioner Crawford moved to approve the Project Ordinance. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

**(24) ANIMAL CONTROL ORDINANCE AMENDMENT**: Randall Turpin,

Director of the Health Department, submitted a proposed revision of the Animal Control Ordinance which:

- (a) Strengthens the definition section to clarify “confinement of dangerous dogs” and to give greater clarification to other defined terms;
- (b) Strengthens the ordinance to allow animal control officers to issue citations when dealing with animal cruelty and rabies vaccinations;
- (c) Allows for owner-released animals to be adopted immediately, thus allowing better utilization of current holding pens;
- (d) Allows for reduction of holding time of stray animals to 72 hours, thus allowing for more expedient adoption of dogs and cats. This will aid in the reduction of containment costs.
- (e) Reduces the amount of time required by the animal control officer to investigate and follow-up on animal related nuisances by removing this responsibility from the animal control officer. This should be a civil matter and not a rabies control matter.

He also recommended that the animal control officers be given the authority to issue civil citations for violations of rabies inoculations.

**(25) RESOLUTION TO CLARIFY THE NC RIDGE LAW TO ALLOW FOR UTILITY SCALE WIND FARMS IN WNC**

**AVRAM FRIEDMAN REQUESTED** adoption of this Resolution (see informal comments). The Board would need to further study this request and have citizen input prior to making a decision since windmills would be visible in the same manner as cell towers.

Chairman Buchanan moved that the Board go into Closed Session pursuant to G.S. 143-318(a)(5) Real Property and G.S. 143-3218.11(a)(3) Legal. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

Chairman Buchanan called the Open Session back to order and reported no action or votes were taken in Closed Session.

**(26) ACQUISITION OF PROPERTY – NEW DSS FACILITY:** Chairman Buchanan reported that the Board had been discussing property acquisition and found it reasonable to enter into a contractual agreement with Sybil Reed and Bruce Reed for the purchase of their property on Highway 116 near Webster. The entire Board has reviewed the agreement. Commissioner Crawford moved to approve the agreement. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

Commissioner Crawford moved that the meeting be adjourned. Commissioner Madden seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 9:15 p.m.

Attested By:

Approved:

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Evelyn B. Baker  
Clerk to the Board

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Stacy Buchanan, Chairman